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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,616	06/26/2003	Maris Vistins	19,395	4912

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EXAMINER

VARGOT, MATHIEU D

ART UNIT PAPER NUMBER

1732

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,616

Applicant(s)

VISTINS ET AL.

Examiner

Mathieu D. Vargot

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/17/03 & 5/6/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1.Applicant's election with traverse of Group I, claims 1-8 in the reply filed on May 23, 2005 is acknowledged. The traversal is on the ground(s) that a search of all of the inventions would not provide any serious burden on the office. This is not found persuasive because the inventions are submitted to be properly restricted for at least the reasons already given, and the different inventions are classified in different art areas. It is respectfully submitted that the difference in subject matter to be considered and the difference in search areas would indeed pose a burden on the office and the election requirement must stand.

The requirement is still deemed proper and is therefore made FINAL.

2.The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abildgaard et al in view of Povlacs et al (see 56 and 58 in Fig. 6; column 5, lines 19-46, in particular lines 22-23 and 38-43; Fig. 7).

The primary reference discloses the basic claimed method of forming a glove by providing a former on a chain assembly, preheating the former, dipping the preheated former into a vinyl dispersion—ie, plastisol--, removing the former and moving the former to an angle away from the vertical as the excess plastisol drains off. See stations 16, 19 and 20 in Figures 1 and 2. Given that the former is preheated, it is submitted inherent that some amount of gelation is occurring just after the dipping and

Art Unit: 1732

during the draining, while the former is at an angle from the vertical. This gelation would be a natural occurrence upon coating a plastisol on a heated mold. Essentially, the primary reference lacks a clear showing that the former is pivotally attached to the chain and that the former is pivoted to an angle less than 90 degrees from the substantially vertical dipping orientation. Povlacs et al is directed to making a glove by coating a rubber latex upon a former and then drying the latex thereon. The drying occurs during rotation and pivoting of the former to a desired angle, the latter being conducted to ensure a uniform thickness of latex on the former. Povlacs et al teaches that the exact angle to which the former is pivoted—ie, movement of the glove former-- depends on the exact material used and that one of ordinary skill in the art would have “very little difficulty establishing proper coating uniformity” by adjusting the motion of the glove former to fit the characteristics of the fluid being coated thereon. See column 5, lines 40-42. In essence, Povlacs et al is disclosing the instant motion and hence applicant’s problem of uniform thickness and solution therefor. While it may not be explicitly taught that the pivot angle would be 60-85 degrees from the (substantially) vertical, it is believed that the disclosure of Povlacs et al renders the exact angle obvious. Note that the plastisol is cured and cooled in the primary reference. The instant PVC is in fact submitted to be included in the vinyl dispersion of the primary reference.


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

Art Unit: 1732

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on 571 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
July 19, 2005


Mathieu D. Vargot
Primary Examiner
Art Unit 1732

7/19/05